

REMARKS

This responds to the Office Action mailed on November 28, 2007.

Claims 35 and 37 are amended, claims 6-32, 36, 42, 46 and 54-57 are canceled, no claims are added; as a result, claims 1-5, 33-35, 37-41, 43-45 and 47-53 are now pending in this application.

Claim Objections

Claim 42 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully disagrees with this characterization of the claim. However, in the interests of moving prosecution forward, Applicant has canceled claim 42 and reserves the right to pursue the claim at a later date in a continuing of divisional application.

§112 Rejection of the Claims

Claims 35 and 37 were rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 35 and 37 to correct the dependency issues. Claims 35 and 37 as amended depend from independent claim 33. Entry of the amendments and withdrawal of the 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

§103 Rejection of the Claims

Claims 1-3, 33, 35, 37, 39, 41-45, and 47-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (US Pat. No. 6,085,169; hereinafter "Walker") in view of Sapp (US Published Application No. 2003/0009403; hereinafter "Sapp").

Claims 4-5, 34, 38, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (US Pat. No. 6,085,169; hereinafter "Walker") in view of Sapp (US Published Application No. 2003/0009403; hereinafter "Sapp") and further in view of Alaia et al. (US Published Application No. 2002/0046148; hereinafter Alaia).

Applicant respectfully traverses these rejections of claims 1-5, 33-35, 37-39, 41, and 43-45, and 47-53 because combining the references would destroy the purpose of Sapp to encourage purchase of financial instruments offered by airlines. *See* Sapp paragraph [0031].

Applicant respectfully submits that combining Walker and Sapp would destroy the purpose of Sapp to encourage purchase of financial instruments offered by airlines. Combining Walker with Sapp would provide a means to obtain the beneficial pricing of Sapp without purchase of the financial instruments. More specifically, to separate the cost plus percentage pricing scheme for airline travel from the financial instruments of Sapp would remove the incentive. Airline travel consumers would simply be able to obtain the cost plus percentage pricing scheme without having to purchase a financial instrument. As a result, the stated purpose of Sapp would be destroyed.

Thus, because all of the rejections are based on Sapp and Walker, Applicant respectfully submits that claims 1-5, 33-35, 37-39, 41, and 43-45, and 47-53

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in

support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6976

Date 27 Aug 08

By J M Kalis
Janal M. Kalis
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of February 2008.

Dawn M. Kober

Name

Dawn M. Kober

Signature